



1                   A bill to be entitled  
2           An act relating to the regulation of health care  
3           practitioners; amending s. 381.0041, F.S.; requiring  
4           an institution or a physician responsible for  
5           transplanting an organ or allograft to provide a  
6           specified warning to the recipient; providing an  
7           exception; defining the term "allograft"; amending s.  
8           384.4018, F.S.; requiring the Department of Health to  
9           follow federal requirements, and authorizing the  
10          department to adopt rules, in the implementation of a  
11          specified program; amending s. 395.3025, F.S.;  
12          authorizing the disclosure of certain patient records  
13          to the department, rather than the Agency for Health  
14          Care Administration; requiring the department, rather  
15          than the agency, to make certain patient records  
16          available under certain circumstances; amending s.  
17          456.013, F.S.; requiring examination applications for  
18          health care practitioner licensure to include the  
19          applicant's date of birth; removing provisions  
20          relating to the size and format of such licenses;  
21          prohibiting regulatory boards or the department from  
22          issuing or renewing such licenses under certain  
23          conditions; amending s. 456.025, F.S.; authorizing  
24          regulatory boards or the department to adopt rules  
25          that waive certain fees under certain conditions;



26 | amending s. 456.0635, F.S.; revising grounds for  
27 | refusing to issue or renew a license, certificate, or  
28 | registration in a health care profession; providing  
29 | applicability; amending s. 456.065, F.S.; authorizing  
30 | a transfer from a profession's operating fund to cover  
31 | a deficit in the unlicensed activity category;  
32 | amending ss. 458.3265 and 459.0137, F.S.; exempting  
33 | certain pain-management clinics from paying  
34 | registration fees and from complying with certain  
35 | requirements and rules; amending s. 458.348, F.S.;  
36 | repealing a provision that requires a joint committee  
37 | to determine standards for the content of advanced  
38 | registered nurse practitioner protocols; conforming a  
39 | cross-reference; amending s. 464.012, F.S.; removing  
40 | an obsolete qualification to satisfy certification  
41 | requirements for an advanced registered nurse  
42 | practitioner; requiring an advanced registered nurse  
43 | practitioner's supervisory protocol to be maintained  
44 | at a specified location; removing the requirement that  
45 | the supervisory protocol be filed with the Board of  
46 | Nursing; removing the requirement that the board refer  
47 | licensees who submit noncompliant supervisory  
48 | protocols to the department; amending s. 464.013,  
49 | F.S.; requiring certain continuing education courses  
50 | to be approved by the Board of Nursing; removing a



51 requirement that certain continuing education courses  
52 be offered by specified entities; amending s. 464.019,  
53 F.S.; authorizing the board to conduct certain onsite  
54 evaluations; removing a limiting criterion from the  
55 requirement to measure graduate passage rates;  
56 removing a requirement that certain nursing program  
57 graduates complete a specified preparatory course;  
58 clarifying circumstances in which programs in  
59 probationary status must be terminated; providing that  
60 accredited and nonaccredited programs must disclose  
61 probationary status; requiring such notification to  
62 include certain information; prohibiting a terminated  
63 or closed program from seeking program approval for a  
64 certain time period; authorizing the board to adopt  
65 certain rules; removing requirements that the Office  
66 of Program Policy Analysis and Government  
67 Accountability (OPPAGA) perform certain tasks and  
68 duties; requiring the Florida Center for Nursing to  
69 complete an annual assessment of compliance by nursing  
70 programs with certain accreditation requirements;  
71 requiring the center to include its assessment in a  
72 report to the Governor and Legislature; requiring the  
73 termination of a program under certain circumstances;  
74 creating s. 465.0195, F.S.; requiring a pharmacy or  
75 outsourcing facility to obtain a permit before



76 | engaging in specified activities relating to compound  
77 | sterile products; providing requirements for the  
78 | permit application and for the employment of certain  
79 | individuals; authorizing the Board of Pharmacy to  
80 | adopt by rule standards of practice for sterile  
81 | compounding; requiring the board to consider certain  
82 | standards and regulations in adopting such rules;  
83 | providing applicability; amending 465.027, F.S.;  
84 | exempting certain third-party logistics providers from  
85 | regulation under chapter 465, F.S.; creating s.  
86 | 465.1893, F.S.; authorizing a pharmacist to administer  
87 | specified medication by injection under certain  
88 | circumstances; requiring a pharmacist who administers  
89 | such injections to complete a specified course;  
90 | providing requirements for the course; amending s.  
91 | 468.80, F.S.; requiring completion of a specified  
92 | course for orthotics, prosthetics, and pedorthics  
93 | licensure and licensure renewal; providing course  
94 | requirements; amending s. 468.803, F.S.; revising  
95 | registration requirements for orthotics and  
96 | prosthetics; authorizing persons to hold a single  
97 | registration in both fields; authorizing the  
98 | department to develop and administer a prosthetist-  
99 | orthotist license; providing requirements for a  
100 | prosthetics-orthotics examination and licensure;



101 amending 480.041, F.S.; requiring the department,  
102 rather than the Board of Massage Therapy, to deny the  
103 renewal of a massage therapist license under certain  
104 circumstances; amending s. 486.102, F.S.; providing  
105 requirements for certain physical therapist assistant  
106 licensure applicants; amending s. 491.005, F.S.;  
107 revising the amount of clinical experience required  
108 for a license to provide marriage and family therapy;  
109 revising the examination used for mental health  
110 counselor licensure; amending s. 491.009, F.S.;  
111 authorizing the Board of Clinical Social Work,  
112 Marriage and Family Therapy, and Mental Health  
113 Counseling, rather than the department, to deny  
114 licensure to or impose penalties against specified  
115 applicants or licensees under certain circumstances;  
116 authorizing the department, rather than the board, to  
117 deny licensure to or impose penalties against a  
118 certified master social worker, rather than  
119 psychologist, applicants or licensees under certain  
120 circumstances; providing effective dates.

121

122 Be It Enacted by the Legislature of the State of Florida:

123

124 Section 1. Subsection (12) of section 381.0041, Florida  
125 Statutes, is amended to read:



126           381.0041 Donation and transfer of human tissue; testing  
127 requirements.—

128           (12) Prior to the transplant of an organ or allograft, or  
129 artificial insemination, the institution or physician  
130 responsible for overseeing the procedure must provide the  
131 prospective recipient a warning as to the risks of contracting  
132 human immunodeficiency virus or Zika virus. Such warning is not  
133 required for an organ or allograft that has been terminally  
134 sterilized. For purposes of this subsection, the term  
135 "allograft" means human tissue or amnion.

136           Section 2. Effective upon this act becoming a law,  
137 paragraph (k) is added to subsection (3) of section 381.4018,  
138 Florida Statutes, to read:

139           381.4018 Physician workforce assessment and development.—

140           (3) GENERAL FUNCTIONS.—The department shall maximize the  
141 use of existing programs under the jurisdiction of the  
142 department and other state agencies and coordinate governmental  
143 and nongovernmental stakeholders and resources in order to  
144 develop a state strategic plan and assess the implementation of  
145 such strategic plan. In developing the state strategic plan, the  
146 department shall:

147           (k) Follow the federal requirements and may adopt rules  
148 necessary for the implementation of the Conrad 30 Waiver program  
149 established under section 214(1) of the Immigration Nationality  
150 Act.



151 Section 3. Paragraph (e) of subsection (4) of section  
152 395.3025, Florida Statutes, is amended to read:

153 395.3025 Patient and personnel records; copies;  
154 examination.—

155 (4) Patient records are confidential and must not be  
156 disclosed without the consent of the patient or his or her legal  
157 representative, but appropriate disclosure may be made without  
158 such consent to:

159 (e) The department ~~agency~~ upon subpoena issued pursuant to  
160 s. 456.071, but the records obtained thereby must be used solely  
161 for the purpose of the department ~~agency~~ and the appropriate  
162 professional board in its investigation, prosecution, and appeal  
163 of disciplinary proceedings. If the department ~~agency~~ requests  
164 copies of the records, the facility shall charge no more than  
165 its actual copying costs, including reasonable staff time. The  
166 records must be sealed and must not be available to the public  
167 pursuant to s. 119.07(1) or any other statute providing access  
168 to records, nor may they be available to the public as part of  
169 the record of investigation for and prosecution in disciplinary  
170 proceedings made available to the public by the department  
171 ~~agency~~ or the appropriate regulatory board. However, the  
172 department ~~agency~~ must make available, upon written request by a  
173 practitioner against whom probable cause has been found, any  
174 such records that form the basis of the determination of  
175 probable cause.



176 Section 4. Paragraph (a) of subsection (1) and subsection  
177 (2) of section 456.013, Florida Statutes, are amended, and  
178 subsections (14) and (15) are added to that section, to read:

179 456.013 Department; general licensing provisions.—

180 (1) (a) Any person desiring to be licensed in a profession  
181 within the jurisdiction of the department shall apply to the  
182 department in writing to take the licensure examination. The  
183 application shall be made on a form prepared and furnished by  
184 the department. The application form must be available on the  
185 Internet ~~World Wide Web~~ and the department may accept  
186 electronically submitted applications beginning July 1, 2001.  
187 The application shall require the date of birth and the social  
188 security number of the applicant, except as provided in  
189 paragraph (b). The form shall be supplemented as needed to  
190 reflect any material change in any circumstance or condition  
191 stated in the application which takes place between the initial  
192 filing of the application and the final grant or denial of the  
193 license and which might affect the decision of the department.  
194 If an application is submitted electronically, the department  
195 may require supplemental materials, including an original  
196 signature of the applicant and verification of credentials, to  
197 be submitted in a nonelectronic format. An incomplete  
198 application shall expire 1 year after initial filing. In order  
199 to further the economic development goals of the state, and  
200 notwithstanding any law to the contrary, the department may





201 enter into an agreement with the county tax collector for the  
202 purpose of appointing the county tax collector as the  
203 department's agent to accept applications for licenses and  
204 applications for renewals of licenses. The agreement must  
205 specify the time within which the tax collector must forward any  
206 applications and accompanying application fees to the  
207 department.

208 (2) Before the issuance of a ~~any~~ license, the department  
209 shall charge an initial license fee as determined by the  
210 applicable board or, if there is no board, by rule of the  
211 department. Upon receipt of the appropriate license fee, the  
212 department shall issue a license to a ~~any~~ person certified by  
213 the appropriate board, or its designee, as having met the  
214 licensure requirements imposed by law or rule. ~~The license shall~~  
215 ~~consist of a wallet-size identification card and a wall card~~  
216 ~~measuring 6 1/2 inches by 5 inches.~~ The licensee shall surrender  
217 the license to the department ~~the wallet-size identification~~  
218 ~~card and the wall card~~ if the ~~licensee's~~ license was ~~is~~ issued  
219 in error or is revoked.

220 (14) The department may not renew the license of a person  
221 or establishment that has not paid applicable fines and costs  
222 within the timeframe listed in a final order imposing discipline  
223 unless the licensing board, or the department if there is no  
224 board, has granted the licensee additional time to pay the fines  
225 and costs imposed by the final order.



226       (15) A board, or the department if there is no board, may  
227 not issue a license to a person or establishment that has not  
228 paid applicable fines and costs within the timeframe listed in a  
229 final order imposing discipline; that has allowed the person's  
230 or establishment's license, regulated under chapter 456, to  
231 become delinquent or void; or that has relinquished such a  
232 license in any way, until such time as the total amount of the  
233 fines and costs imposed by the final order, the delinquency fee,  
234 and any other fees resulting from failure to timely renew a  
235 license are paid in full. This subsection does not prevent a  
236 board, or the department if there is no board, from reinstating  
237 or issuing a license with conditions that allow for the full  
238 payment of the fines and costs imposed by the final order.

239       Section 5. Subsections (7) through (11) of section  
240 456.025, Florida Statutes, are renumbered as subsections (8)  
241 through (12), respectively, and a new subsection (7) is added to  
242 that section to read:

243       456.025 Fees; receipts; disposition.—

244       (7) If the department determines, based on long-range  
245 estimates of revenue, that a profession's trust fund moneys  
246 exceed the costs of regulating the profession, the applicable  
247 board, or the department if there is no board, may adopt rules  
248 to implement a waiver of initial application fees, initial  
249 licensure fees, unlicensed activity fees, or renewal fees for  
250 the profession for a period not to exceed 2 years.



251 Section 6. Subsections (2) and (3) of section 456.0635,  
252 Florida Statutes, are amended to read:

253 456.0635 Health care fraud; disqualification for license,  
254 certificate, or registration.—

255 (2) Each board within the jurisdiction of the department,  
256 or the department if there is no board, shall refuse to admit a  
257 candidate to any examination and refuse to issue a license,  
258 certificate, or registration to any applicant if the candidate  
259 or applicant or any principal, officer, agent, managing  
260 employee, or affiliated person of the candidate or applicant:

261 (a) Has been convicted of, or entered a plea of guilty or  
262 nolo contendere to, regardless of adjudication, a felony under  
263 chapter 409, chapter 817, or chapter 893, or a similar felony  
264 offense committed in another state or jurisdiction, unless the  
265 candidate or applicant has successfully completed a pretrial  
266 diversion or drug court program for that felony and provides  
267 proof that the plea has been withdrawn or the charges have been  
268 dismissed. Any such conviction or plea shall exclude the  
269 applicant or candidate from licensure, examination,  
270 certification, or registration unless the sentence and any  
271 subsequent period of probation for such conviction or plea  
272 ended:

273 1. For felonies of the first or second degree, more than  
274 15 years before the date of application.

275 2. For felonies of the third degree, more than 10 years



276 | before the date of application, except for felonies of the third  
277 | degree under s. 893.13(6)(a).

278 |       3. For felonies of the third degree under s. 893.13(6)(a),  
279 | more than 5 years before the date of application;

280 |       (b) Has been convicted of, or entered a plea of guilty or  
281 | nolo contendere to, regardless of adjudication, a felony under  
282 | 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396, unless the  
283 | sentence and any subsequent period of probation for such  
284 | conviction or plea ended more than 15 years before the date of  
285 | the application;

286 |       (c) Has been terminated for cause from the Florida  
287 | Medicaid program pursuant to s. 409.913, unless the candidate or  
288 | applicant has been in good standing with the Florida Medicaid  
289 | program for the most recent 5 years;

290 |       (d) Has been terminated for cause, pursuant to the appeals  
291 | procedures established by the state, from any other state  
292 | Medicaid program, unless the candidate or applicant has been in  
293 | good standing with a state Medicaid program for the most recent  
294 | 5 years and the termination occurred at least 20 years before  
295 | the date of the application; or

296 |       (e) Is currently listed on the United States Department of  
297 | Health and Human Services Office of Inspector General's List of  
298 | Excluded Individuals and Entities.

299 |       (f) This subsection does not apply to an applicant for  
300 | initial licensure, certification, or registration who was



301 arrested or charged with a felony specified in paragraph (a) or  
302 paragraph (b) before July 1, 2009.

303 (3) The department shall refuse to renew a license,  
304 certificate, or registration of any applicant if the applicant  
305 or any principal, officer, agent, managing employee, or  
306 affiliated person of the applicant:

307 (a) Has been convicted of, or entered a plea of guilty or  
308 nolo contendere to, regardless of adjudication, a felony under  
309 chapter 409, chapter 817, or chapter 893, or a similar felony  
310 offense committed in another state or jurisdiction, unless the  
311 applicant is currently enrolled in a pretrial diversion or drug  
312 court program that allows the withdrawal of the plea for that  
313 felony upon successful completion of that program. Any such  
314 conviction or plea excludes the applicant from licensure renewal  
315 unless the sentence and any subsequent period of probation for  
316 such conviction or plea ended:

317 1. For felonies of the first or second degree, more than  
318 15 years before the date of application.

319 2. For felonies of the third degree, more than 10 years  
320 before the date of application, except for felonies of the third  
321 degree under s. 893.13(6)(a).

322 3. For felonies of the third degree under s. 893.13(6)(a),  
323 more than 5 years before the date of application.

324 (b) Has been convicted of, or entered a plea of guilty or  
325 nolo contendere to, regardless of adjudication, a felony under



326 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396 since July 1,  
327 2009, unless the sentence and any subsequent period of probation  
328 for such conviction or plea ended more than 15 years before the  
329 date of the application.

330 (c) Has been terminated for cause from the Florida  
331 Medicaid program pursuant to s. 409.913, unless the applicant  
332 has been in good standing with the Florida Medicaid program for  
333 the most recent 5 years.

334 (d) Has been terminated for cause, pursuant to the appeals  
335 procedures established by the state, from any other state  
336 Medicaid program, unless the applicant has been in good standing  
337 with a state Medicaid program for the most recent 5 years and  
338 the termination occurred at least 20 years before the date of  
339 the application.

340 (e) Is currently listed on the United States Department of  
341 Health and Human Services Office of Inspector General's List of  
342 Excluded Individuals and Entities.

343 (f) This subsection does not apply to an applicant for  
344 renewal of licensure, certification, or registration who was  
345 arrested or charged with a felony specified in paragraph (a) or  
346 paragraph (b) before July 1, 2009.

347 Section 7. Subsection (3) of section 456.065, Florida  
348 Statutes, is amended to read:

349 456.065 Unlicensed practice of a health care profession;  
350 intent; cease and desist notice; penalties; enforcement;



351 citations; fees; allocation and disposition of moneys  
352 collected.—

353 (3) Because all enforcement costs should be covered by  
354 professions regulated by the department, the department shall  
355 impose, upon initial licensure and each licensure renewal, a  
356 special fee of \$5 per licensee to fund efforts to combat  
357 unlicensed activity. Such fee shall be in addition to all other  
358 fees collected from each licensee. The department shall make  
359 direct charges to the Medical Quality Assurance Trust Fund by  
360 profession. The department shall seek board advice regarding  
361 enforcement methods and strategies. The department shall  
362 directly credit the Medical Quality Assurance Trust Fund, by  
363 profession, with the revenues received from the department's  
364 efforts to enforce licensure provisions. The department shall  
365 include all financial and statistical data resulting from  
366 unlicensed activity enforcement as a separate category in the  
367 quarterly management report provided for in s. 456.025. For an  
368 unlicensed activity account, a balance which remains at the end  
369 of a renewal cycle may, with concurrence of the applicable board  
370 and the department, be transferred to the operating fund account  
371 of that profession. If the special fee is insufficient to cover  
372 the costs of unlicensed activity enforcement for a profession,  
373 with the concurrence of the applicable board and the department,  
374 a transfer may be made from the operating fund of that  
375 profession to the unlicensed activity category within the



376 | profession's cash balance to cover the deficit. The department  
377 | shall also use these funds to inform and educate consumers  
378 | generally on the importance of using licensed health care  
379 | practitioners.

380 | Section 8. Paragraph (a) of subsection (1) of section  
381 | 458.3265, Florida Statutes, is amended to read:

382 | 458.3265 Pain-management clinics.—

383 | (1) REGISTRATION.—

384 | (a)1. As used in this section, the term:

385 | a. "Board eligible" means successful completion of an  
386 | anesthesia, physical medicine and rehabilitation, rheumatology,  
387 | or neurology residency program approved by the Accreditation  
388 | Council for Graduate Medical Education or the American  
389 | Osteopathic Association for a period of 6 years from successful  
390 | completion of such residency program.

391 | b. "Chronic nonmalignant pain" means pain unrelated to  
392 | cancer which persists beyond the usual course of disease or the  
393 | injury that is the cause of the pain or more than 90 days after  
394 | surgery.

395 | c. "Pain-management clinic" or "clinic" means any publicly  
396 | or privately owned facility:

397 | (I) That advertises in any medium for any type of pain-  
398 | management services; or

399 | (II) Where in any month a majority of patients are  
400 | prescribed opioids, benzodiazepines, barbiturates, or





401 carisoprodol for the treatment of chronic nonmalignant pain.

402 2. Each pain-management clinic must register with the  
403 department.

404 3. A clinic that meets one or more of the following  
405 conditions and notifies the department of such is exempt from  
406 any registration fee and from complying with paragraphs (c)-(m),  
407 subsections (2) and (3), and rules adopted under subsection (4)  
408 unless:

409 a. The ~~That~~ clinic is licensed as a facility pursuant to  
410 chapter 395;

411 b. The majority of the physicians who provide services in  
412 the clinic primarily provide surgical services;

413 c. The clinic is owned by a publicly held corporation  
414 whose shares are traded on a national exchange or on the over-  
415 the-counter market and whose total assets at the end of the  
416 corporation's most recent fiscal quarter exceeded \$50 million;

417 d. The clinic is affiliated with an accredited medical  
418 school at which training is provided for medical students,  
419 residents, or fellows;

420 e. The clinic does not prescribe controlled substances for  
421 the treatment of pain;

422 f. The clinic is owned by a corporate entity exempt from  
423 federal taxation under 26 U.S.C. s. 501(c)(3);

424 g. The clinic is wholly owned and operated by one or more  
425 board-eligible or board-certified anesthesiologists,



426 | physiatrists, rheumatologists, or neurologists; or

427 |       h. The clinic is wholly owned and operated by a physician  
428 | multispecialty practice where one or more board-eligible or  
429 | board-certified medical specialists, who have also completed  
430 | fellowships in pain medicine approved by the Accreditation  
431 | Council for Graduate Medical Education or who are also board-  
432 | certified in pain medicine by the American Board of Pain  
433 | Medicine or a board approved by the American Board of Medical  
434 | Specialties, the American Association of Physician Specialists,  
435 | or the American Osteopathic Association, perform interventional  
436 | pain procedures of the type routinely billed using surgical  
437 | codes.

438 |       Section 9. Subsection (2) and paragraph (e) of subsection  
439 | (4) of section 458.348, Florida Statutes, are amended to read:

440 |       458.348 Formal supervisory relationships, standing orders,  
441 | and established protocols; notice; standards.—

442 |       ~~(2) ESTABLISHMENT OF STANDARDS BY JOINT COMMITTEE.—The~~  
443 | ~~joint committee shall determine minimum standards for the~~  
444 | ~~content of established protocols pursuant to which an advanced~~  
445 | ~~registered nurse practitioner may perform medical acts or acts~~  
446 | ~~set forth in s. 464.012(3) and (4) and shall determine minimum~~  
447 | ~~standards for supervision of such acts by the physician, unless~~  
448 | ~~the joint committee determines that any act set forth in s.~~  
449 | ~~464.012(3) or (4) is not a medical act. Such standards shall be~~  
450 | ~~based on risk to the patient and acceptable standards of medical~~



451 ~~care and shall take into account the special problems of~~  
452 ~~medically underserved areas. The standards developed by the~~  
453 ~~joint committee shall be adopted as rules by the Board of~~  
454 ~~Nursing and the Board of Medicine for purposes of carrying out~~  
455 ~~their responsibilities pursuant to part I of chapter 464 and~~  
456 ~~this chapter, respectively, but neither board shall have~~  
457 ~~disciplinary powers over the licensees of the other board.~~

458 (4) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—

459 A physician who supervises an advanced registered nurse  
460 practitioner or physician assistant at a medical office other  
461 than the physician's primary practice location, where the  
462 advanced registered nurse practitioner or physician assistant is  
463 not under the onsite supervision of a supervising physician,  
464 must comply with the standards set forth in this subsection. For  
465 the purpose of this subsection, a physician's "primary practice  
466 location" means the address reflected on the physician's profile  
467 published pursuant to s. 456.041.

468 (e) This subsection does not apply to health care services  
469 provided in facilities licensed under chapter 395 or in  
470 conjunction with a college of medicine, a college of nursing, an  
471 accredited graduate medical program, or a nursing education  
472 program; not-for-profit, family-planning clinics that are not  
473 licensed pursuant to chapter 390; rural and federally qualified  
474 health centers; health care services provided in a nursing home  
475 licensed under part II of chapter 400, an assisted living



476 facility licensed under part I of chapter 429, a continuing care  
477 facility licensed under chapter 651, or a retirement community  
478 consisting of independent living units and a licensed nursing  
479 home or assisted living facility; anesthesia services provided  
480 in accordance with law; health care services provided in a  
481 designated rural health clinic; health care services provided to  
482 persons enrolled in a program designed to maintain elderly  
483 persons and persons with disabilities in a home or community-  
484 based setting; university primary care student health centers;  
485 school health clinics; or health care services provided in  
486 federal, state, or local government facilities. Subsection (2)  
487 ~~(3)~~ and this subsection do not apply to offices at which the  
488 exclusive service being performed is laser hair removal by an  
489 advanced registered nurse practitioner or physician assistant.

490 Section 10. Paragraph (a) of subsection (1) of section  
491 459.0137, Florida Statutes, is amended to read:

492 459.0137 Pain-management clinics.—

493 (1) REGISTRATION.—

494 (a)1. As used in this section, the term:

495 a. "Board eligible" means successful completion of an  
496 anesthesia, physical medicine and rehabilitation, rheumatology,  
497 or neurology residency program approved by the Accreditation  
498 Council for Graduate Medical Education or the American  
499 Osteopathic Association for a period of 6 years from successful  
500 completion of such residency program.



501           b. "Chronic nonmalignant pain" means pain unrelated to  
502 cancer which persists beyond the usual course of disease or the  
503 injury that is the cause of the pain or more than 90 days after  
504 surgery.

505           c. "Pain-management clinic" or "clinic" means any publicly  
506 or privately owned facility:

507           (I) That advertises in any medium for any type of pain-  
508 management services; or

509           (II) Where in any month a majority of patients are  
510 prescribed opioids, benzodiazepines, barbiturates, or  
511 carisoprodol for the treatment of chronic nonmalignant pain.

512           2. Each pain-management clinic must register with the  
513 department.

514           3. A clinic that meets one or more of the following  
515 conditions and notifies the department of such is exempt from  
516 any registration fee and from complying with paragraphs (c)-(m),  
517 subsections (2) and (3), and rules adopted under subsection (4)  
518 unless:

519           a. The ~~That~~ clinic is licensed as a facility pursuant to  
520 chapter 395;

521           b. The majority of the physicians who provide services in  
522 the clinic primarily provide surgical services;

523           c. The clinic is owned by a publicly held corporation  
524 whose shares are traded on a national exchange or on the over-  
525 the-counter market and whose total assets at the end of the



526 corporation's most recent fiscal quarter exceeded \$50 million;

527 d. The clinic is affiliated with an accredited medical  
528 school at which training is provided for medical students,  
529 residents, or fellows;

530 e. The clinic does not prescribe controlled substances for  
531 the treatment of pain;

532 f. The clinic is owned by a corporate entity exempt from  
533 federal taxation under 26 U.S.C. s. 501(c)(3);

534 g. The clinic is wholly owned and operated by one or more  
535 board-eligible or board-certified anesthesiologists,  
536 physiatrists, rheumatologists, or neurologists; or

537 h. The clinic is wholly owned and operated by a physician  
538 multispecialty practice where one or more board-eligible or  
539 board-certified medical specialists, who have also completed  
540 fellowships in pain medicine approved by the Accreditation  
541 Council for Graduate Medical Education or the American  
542 Osteopathic Association or who are also board-certified in pain  
543 medicine by the American Board of Pain Medicine or a board  
544 approved by the American Board of Medical Specialties, the  
545 American Association of Physician Specialists, or the American  
546 Osteopathic Association, perform interventional pain procedures  
547 of the type routinely billed using surgical codes.

548 Section 11. Subsections (1) and (3) of section 464.012,  
549 Florida Statutes, are amended to read:

550 464.012 Certification of advanced registered nurse



551 practitioners; fees; controlled substance prescribing.—

552 (1) Any nurse desiring to be certified as an advanced  
553 registered nurse practitioner shall apply to the department and  
554 submit proof that he or she holds a current license to practice  
555 professional nursing and that he or she meets one or more of the  
556 following requirements as determined by the board:

557 ~~(a) Satisfactory completion of a formal postbasic~~  
558 ~~educational program of at least one academic year, the primary~~  
559 ~~purpose of which is to prepare nurses for advanced or~~  
560 ~~specialized practice.~~

561 (a) ~~(b)~~ Certification by an appropriate specialty board.  
562 Such certification shall be required for initial state  
563 certification and any recertification as a registered nurse  
564 anesthetist, psychiatric nurse, or nurse midwife. The board may  
565 by rule provide for provisional state certification of graduate  
566 nurse anesthetists, psychiatric nurses, and nurse midwives for a  
567 period of time determined to be appropriate for preparing for  
568 and passing the national certification examination.

569 (b) ~~(c)~~ Graduation from a program leading to a master's  
570 degree in a nursing clinical specialty area with preparation in  
571 specialized practitioner skills. For applicants graduating on or  
572 after October 1, 1998, graduation from a master's degree program  
573 shall be required for initial certification as a nurse  
574 practitioner under paragraph (4) (c). For applicants graduating  
575 on or after October 1, 2001, graduation from a master's degree



576 program shall be required for initial certification as a  
577 registered nurse anesthetist under paragraph (4)(a).

578 (3) An advanced registered nurse practitioner shall  
579 perform those functions authorized in this section within the  
580 framework of an established protocol which must be maintained  
581 onsite at the location or locations at which an advanced  
582 registered nurse practitioner practices. In the case of multiple  
583 supervising physicians in the same group, an advanced registered  
584 nurse practitioner must enter into a supervisory protocol with  
585 at least one physician within the physician group practice that  
586 ~~is filed with the board upon biennial license renewal and within~~  
587 ~~30 days after entering into a supervisory relationship with a~~  
588 ~~physician or changes to the protocol. The board shall review the~~  
589 ~~protocol to ensure compliance with applicable regulatory~~  
590 ~~standards for protocols. The board shall refer to the department~~  
591 ~~licensees submitting protocols that are not compliant with the~~  
592 ~~regulatory standards for protocols. A practitioner currently~~  
593 licensed under chapter 458, chapter 459, or chapter 466 shall  
594 maintain supervision for directing the specific course of  
595 medical treatment. Within the established framework, an advanced  
596 registered nurse practitioner may:

597 (a) Prescribe, dispense, administer, or order any drug;  
598 however, an advanced registered nurse practitioner may prescribe  
599 or dispense a controlled substance as defined in s. 893.03 only  
600 if the advanced registered nurse practitioner has graduated from





601 a program leading to a master's or doctoral degree in a clinical  
602 nursing specialty area with training in specialized practitioner  
603 skills.

604 (b) Initiate appropriate therapies for certain conditions.

605 (c) Perform additional functions as may be determined by  
606 rule in accordance with s. 464.003(2).

607 (d) Order diagnostic tests and physical and occupational  
608 therapy.

609 (e) Order any medication for administration to a patient  
610 in a facility licensed under chapter 395 or part II of chapter  
611 400, notwithstanding any provisions in chapter 465 or chapter  
612 893.

613 Section 12. Effective December 31, 2018, or upon enactment  
614 of the Nurse Licensure Compact into law by 26 states, whichever  
615 occurs first, subsection (1) of section 464.012, Florida  
616 Statutes, as amended by section 8 of chapter 2016-139, section  
617 12 of chapter 2016-224, and section 7 of chapter 2016-231, Laws  
618 of Florida, is amended to read:

619 464.012 Certification of advanced registered nurse  
620 practitioners; fees; controlled substance prescribing.—

621 (1) Any nurse desiring to be certified as an advanced  
622 registered nurse practitioner shall apply to the department and  
623 submit proof that he or she holds a current license to practice  
624 professional nursing or holds an active multistate license to  
625 practice professional nursing pursuant to s. 464.0095 and that



626 he or she meets one or more of the following requirements as  
627 determined by the board:

628 ~~(a) Satisfactory completion of a formal postbasic~~  
629 ~~educational program of at least one academic year, the primary~~  
630 ~~purpose of which is to prepare nurses for advanced or~~  
631 ~~specialized practice.~~

632 (a) ~~(b)~~ Certification by an appropriate specialty board.  
633 Such certification shall be required for initial state  
634 certification and any recertification as a registered nurse  
635 anesthetist, psychiatric nurse, or nurse midwife. The board may  
636 by rule provide for provisional state certification of graduate  
637 nurse anesthetists, psychiatric nurses, and nurse midwives for a  
638 period of time determined to be appropriate for preparing for  
639 and passing the national certification examination.

640 (b) ~~(e)~~ Graduation from a program leading to a master's  
641 degree in a nursing clinical specialty area with preparation in  
642 specialized practitioner skills. For applicants graduating on or  
643 after October 1, 1998, graduation from a master's degree program  
644 shall be required for initial certification as a nurse  
645 practitioner under paragraph (4) (c). For applicants graduating  
646 on or after October 1, 2001, graduation from a master's degree  
647 program shall be required for initial certification as a  
648 registered nurse anesthetist under paragraph (4) (a).

649 Section 13. Subsection (3) of section 464.013, Florida  
650 Statutes, is amended to read:



651 464.013 Renewal of license or certificate.—

652 (3) The board shall by rule prescribe up to 30 hours of  
653 continuing education biennially as a condition for renewal of a  
654 license or certificate.

655 (a) A nurse who is certified by a health care specialty  
656 program accredited by the National Commission for Certifying  
657 Agencies or the Accreditation Board for Specialty Nursing  
658 Certification is exempt from continuing education requirements.  
659 The criteria for programs must be approved by the board.

660 (b) Notwithstanding the exemption in paragraph (a), as  
661 part of the maximum 30 hours of continuing education ~~hours~~  
662 required under this subsection, advanced registered nurse  
663 practitioners certified under s. 464.012 must complete at least  
664 3 hours of continuing education on the safe and effective  
665 prescription of controlled substances. Such continuing education  
666 courses must be approved by the board and ~~must be offered by a~~  
667 ~~statewide professional association of physicians in this state~~  
668 ~~accredited to provide educational activities designated for the~~  
669 ~~American Medical Association Physician's Recognition Award~~  
670 ~~Category 1 credit, the American Nurses Credentialing Center, the~~  
671 ~~American Association of Nurse Anesthetists, or the American~~  
672 ~~Association of Nurse Practitioners and may be offered in a~~  
673 distance learning format.

674 Section 14. Paragraph (b) of subsection (2), subsection  
675 (5), subsection (8), paragraph (a) of subsection (9), and



676 subsection (10) of section 464.019, Florida Statutes, are  
677 amended, and paragraph (d) is added to subsection (7) and  
678 paragraph (e) is added to subsection (11) of that section, to  
679 read:

680 464.019 Approval of nursing education programs.—

681 (2) PROGRAM APPROVAL.—

682 (b) Following the department's receipt of a complete  
683 program application, the board may conduct an onsite evaluation  
684 if necessary to document the applicant's compliance with  
685 subsection (1). Within 90 days after the department's receipt of  
686 a complete program application, the board shall:

687 1. Approve the application if it documents compliance with  
688 subsection (1); or

689 2. Provide the educational institution with a notice of  
690 intent to deny the application if it does not document  
691 compliance with subsection (1). The notice must specify written  
692 reasons for the board's denial of the application. The board may  
693 not deny a program application because of an educational  
694 institution's failure to correct an error or omission that the  
695 department failed to provide notice of to the institution within  
696 the 30-day notice period under paragraph (a). The educational  
697 institution may request a hearing on the notice of intent to  
698 deny the program application pursuant to chapter 120.

699 (5) ACCOUNTABILITY.—

700 (a)1. An approved program must achieve a graduate passage



701 rate for first-time test takers which ~~who take the licensure~~  
702 ~~examination within 6 months after graduation from the program~~  
703 ~~that~~ is not more than 10 percentage points lower than the  
704 average passage rate during the same calendar year for graduates  
705 of comparable degree programs who are United States educated,  
706 first-time test takers on the National Council of State Boards  
707 of Nursing Licensing Examination, as calculated by the contract  
708 testing service of the National Council of State Boards of  
709 Nursing. ~~An approved program shall require a graduate from the~~  
710 ~~program who does not take the licensure examination within 6~~  
711 ~~months after graduation to enroll in and successfully complete a~~  
712 ~~licensure examination preparatory course pursuant to s. 464.008.~~  
713 For purposes of this subparagraph, an approved program is  
714 comparable to all degree programs of the same program type from  
715 among the following program types:

- 716 a. Professional nursing education programs that terminate  
717 in a bachelor's degree.
- 718 b. Professional nursing education programs that terminate  
719 in an associate degree.
- 720 c. Professional nursing education programs that terminate  
721 in a diploma.
- 722 d. Practical nursing education programs.

723 2. Beginning with graduate passage rates for calendar year  
724 2010, if an approved program's graduate passage rates do not  
725 equal or exceed the required passage rates for 2 consecutive



726 | calendar years, the board shall place the program on  
727 | probationary status pursuant to chapter 120 and the program  
728 | director shall appear before the board to present a plan for  
729 | remediation, which shall include specific benchmarks to identify  
730 | progress toward a graduate passage rate goal. The program must  
731 | remain on probationary status until it achieves a graduate  
732 | passage rate that equals or exceeds the required passage rate  
733 | for any 1 calendar year. The board shall deny a program  
734 | application for a new prelicensure nursing education program  
735 | submitted by an educational institution if the institution has  
736 | an existing program that is already on probationary status.

737 |       3. Upon the program's achievement of a graduate passage  
738 | rate that equals or exceeds the required passage rate, the  
739 | board, at its next regularly scheduled meeting following release  
740 | of the program's graduate passage rate by the National Council  
741 | of State Boards of Nursing, shall remove the program's  
742 | probationary status. If the program, during the 2 calendar years  
743 | following its placement on probationary status, does not achieve  
744 | the required passage rate for any 1 calendar year, the board  
745 | ~~shall terminate the program pursuant to chapter 120. However,~~  
746 | ~~the board~~ may extend the program's probationary status for 1  
747 | additional year, provided if the program has demonstrated  
748 | ~~demonstrates~~ adequate progress toward the graduate passage rate  
749 | goal by meeting a majority of the benchmarks established in the  
750 | remediation plan. If the program is not granted the 1-year



751 extension or fails to achieve the required passage rate by the  
752 end of such extension, the board shall terminate the program  
753 pursuant to chapter 120.

754 (b) If an approved program fails to submit the annual  
755 report required in subsection (3), the board shall notify the  
756 program director and president or chief executive officer of the  
757 educational institution in writing within 15 days after the due  
758 date of the annual report. The program director shall appear  
759 before the board at the board's next regularly scheduled meeting  
760 to explain the reason for the delay. The board shall terminate  
761 the program pursuant to chapter 120 if the program director  
762 fails to appear before the board, as required under this  
763 paragraph, or if the program ~~it~~ does not submit the annual  
764 report within 6 months after the due date.

765 (c) A nursing education ~~An approved program, whether~~  
766 accredited or nonaccredited, which has been placed on  
767 probationary status shall disclose its probationary status in  
768 writing to the program's students and applicants. The  
769 notification must include an explanation of the implications of  
770 the program's probationary status on student and applicant  
771 employment and educational opportunities, including the  
772 prospects a student wishing to matriculate at a university will  
773 face.

774 (d) If students from a program that is terminated pursuant  
775 to this subsection transfer to an approved or an accredited



776 | program under the direction of the Commission for Independent  
777 | Education, the board shall recalculate the passage rates of the  
778 | programs receiving the transferring students, excluding the test  
779 | scores of those students transferring more than 12 credits.

780 | (7) PROGRAM CLOSURE.—

781 | (d) A program that is terminated or closed under this  
782 | section may not seek program approval under its original name or  
783 | a new program name for a minimum of 3 years after the date of  
784 | termination or closing.

785 | (8) RULEMAKING.—The board does not have rulemaking  
786 | authority to administer this section, except that the board  
787 | shall adopt rules that prescribe the format for submitting  
788 | program applications under subsection (1) and annual reports  
789 | under subsection (3), and to administer the documentation of the  
790 | accreditation of nursing education programs under subsection  
791 | (11). The board may adopt rules related to the nursing  
792 | curriculum and nursing program implementation plans, which may  
793 | include definitions of the various types and uses of simulation  
794 | technology and limitations on the technology's use. The board  
795 | may also adopt rules related to program termination or closure  
796 | under this section and the procedure for a program that is  
797 | terminated or closed under this section to seek subsequent  
798 | program approval. The board may not impose any condition or  
799 | requirement on an educational institution submitting a program  
800 | application, an approved program, or an accredited program,





801 except as expressly provided in this section.

802 (9) APPLICABILITY TO ACCREDITED PROGRAMS.—

803 (a) Subsections (1)-(3), paragraph (4)(b), and paragraph  
804 (5)(b) ~~subsection (5)~~ do not apply to an accredited program.

805 (10) IMPLEMENTATION STUDY.—The Florida Center for Nursing  
806 ~~and the education policy area of the Office of Program Policy~~  
807 ~~Analysis and Government Accountability~~ shall study the  
808 administration of this section and submit reports to the  
809 Governor, the President of the Senate, and the Speaker of the  
810 House of Representatives annually by January 30, through January  
811 30, 2020. The annual reports shall address the previous academic  
812 year; provide data on the measures specified in paragraphs (a)  
813 and (b), as such data becomes available; and include an  
814 evaluation of such data for purposes of determining whether this  
815 section is increasing the availability of nursing education  
816 programs and the production of quality nurses. The department  
817 and each approved program or accredited program shall comply  
818 with requests for data from the Florida Center for Nursing ~~and~~  
819 ~~the education policy area of the Office of Program Policy~~  
820 ~~Analysis and Government Accountability~~.

821 (a) The Florida Center for Nursing ~~education policy area~~  
822 ~~of the Office of Program Policy Analysis and Government~~  
823 ~~Accountability~~ shall evaluate program-specific data for each  
824 approved program and accredited program conducted in the state,  
825 including, but not limited to:



- 826           1. The number of programs and student slots available.
- 827           2. The number of student applications submitted, the  
828 number of qualified applicants, and the number of students  
829 accepted.
- 830           3. The number of program graduates.
- 831           4. Program retention rates of students tracked from  
832 program entry to graduation.
- 833           5. Graduate passage rates on the National Council of State  
834 Boards of Nursing Licensing Examination.
- 835           6. The number of graduates who become employed as  
836 practical or professional nurses in the state.
- 837           (b) The Florida Center for Nursing shall evaluate the  
838 board's implementation of the:
- 839           1. Program application approval process, including, but  
840 not limited to, the number of program applications submitted  
841 under subsection (1); the number of program applications  
842 approved and denied by the board under subsection (2); the  
843 number of denials of program applications reviewed under chapter  
844 120; and a description of the outcomes of those reviews.
- 845           2. Accountability processes, including, but not limited  
846 to, the number of programs on probationary status, the number of  
847 approved programs for which the program director is required to  
848 appear before the board under subsection (5), the number of  
849 approved programs terminated by the board, the number of  
850 terminations reviewed under chapter 120, and a description of



851 the outcomes of those reviews.

852 (c) The Florida Center for Nursing shall complete an  
853 annual assessment of compliance by programs with the  
854 accreditation requirements of subsection (11), include in the  
855 assessment a determination of the accreditation process status  
856 for each program, and submit the assessment as part of the  
857 report required by this subsection ~~For any state fiscal year in~~  
858 ~~which The Florida Center for Nursing does not receive~~  
859 ~~legislative appropriations, the education policy area of the~~  
860 ~~Office of Program Policy Analysis and Government Accountability~~  
861 ~~shall perform the duties assigned by this subsection to the~~  
862 ~~Florida Center for Nursing.~~

863 (11) ACCREDITATION REQUIRED.—

864 (e) A nursing education program that fails to meet the  
865 accreditation requirements shall be terminated and is ineligible  
866 for reapproval under its original name or a new program name for  
867 a minimum of 3 years after the date of termination.

868 Section 15. Section 465.0195, Florida Statutes, is created  
869 to read:

870 465.0195 In-state sterile compounding permit.—Before any  
871 pharmacy or outsourcing facility located in this state  
872 dispenses, creates, delivers, ships, or mails, in any manner, a  
873 compound sterile product, the pharmacy or outsourcing facility  
874 must hold a sterile compounding permit.

875 (1) An application for a sterile compounding permit shall



876 be submitted on a form furnished by the board. The board may  
877 require such information as it deems reasonably necessary to  
878 carry out the purposes of this section.

879 (2) If the board certifies that the application complies  
880 with the applicable laws and rules of the board governing  
881 pharmacies, the department shall issue the permit.

882 (3) A permit may not be issued unless a licensed  
883 pharmacist is designated to supervise the compounding and  
884 dispensing of all drugs dispensed by the permittee.

885 (4) The permittee shall notify the department within 10  
886 days after any change in the designation of the supervising  
887 licensed pharmacist. A permittee that employs or otherwise uses  
888 registered pharmacy technicians must have a written policy and  
889 procedures manual specifying the duties, tasks, and functions  
890 that a registered pharmacy technician is allowed to perform.

891 (5) The board may adopt by rule standards of practice for  
892 sterile compounding. In adopting the standards of practice, the  
893 board shall consider the pharmaceutical standards in chapter 797  
894 of the United States Pharmacopeia and may consider any  
895 authoritative professional standards. In adopting standards of  
896 practice for an outsourcing facility, the board shall consider  
897 the Current Good Manufacturing Practice regulations enforced by  
898 the United States Food and Drug Administration and may consider  
899 any authoritative professional standards.

900 (6) All provisions relating to pharmacy permits in ss.



901 465.022 and 465.023 apply to permits issued pursuant to this  
902 section.

903 Section 16. Subsection (2) of section 465.027, Florida  
904 Statutes, is amended to read:

905 465.027 Exceptions.—

906 (2) This chapter shall not apply to a manufacturer, or its  
907 agent, holding an active permit as a manufacturer under chapter  
908 499, or a third-party logistics provider holding an active  
909 permit as a third-party logistics provider under chapter 499,  
910 and engaged solely in the manufacture or distribution of  
911 dialysate, drugs, or devices necessary to perform home renal  
912 dialysis on patients with chronic kidney failure, if the  
913 dialysate, drugs, or devices are:

914 (a) Approved or cleared by the United States Food and Drug  
915 Administration; and

916 (b) Delivered in the original, sealed packaging after  
917 receipt of a physician's order to dispense to:

918 1. A patient with chronic kidney failure, or the patient's  
919 designee, for the patient's self-administration of the dialysis  
920 therapy; or

921 2. A health care practitioner or an institution for  
922 administration or delivery of the dialysis therapy to a patient  
923 with chronic kidney failure.

924 Section 17. Section 465.1893, Florida Statutes, is created  
925 to read:



926           465.1893 Administration of antipsychotic medication by  
927 injection.—

928           (1) (a) A pharmacist, at the direction of a physician  
929 licensed under chapter 458 or chapter 459, may administer a  
930 long-acting antipsychotic medication approved by the United  
931 States Food and Drug Administration by injection to a patient if  
932 the pharmacist:

933           1. Is authorized by and acting within the framework of an  
934 established protocol with the prescribing physician.

935           2. Practices at a facility that accommodates privacy for  
936 nondeltoid injections and conforms with state rules and  
937 regulations regarding the appropriate and safe disposal of  
938 medication and medical waste.

939           3. Has completed the course required under subsection (2).

940           (b) A separate prescription from a physician is required  
941 for each injection administered by a pharmacist under this  
942 subsection.

943           (2) A pharmacist seeking to administer a long-acting  
944 antipsychotic medication by injection under this section must  
945 complete an 8-hour continuing education course, which shall be  
946 offered by a statewide professional association of physicians in  
947 this state accredited to provide educational activities  
948 designated for the American Medical Association Physician's  
949 Recognition Award (AMA PRA) Category 1 Credit or the American  
950 Osteopathic Association (AOA) Category 1-A continuing medical



CS/CS/HB 543, Engrossed 1

2017

951 education (CME) credit. The course may be offered in a distance-  
952 learning format and must be included in the 30 hours of  
953 continuing professional pharmaceutical education required under  
954 s. 465.009(1). The course shall have a curriculum of instruction  
955 that concerns the safe and effective administration of  
956 behavioral health and antipsychotic medications by injection,  
957 including, but not limited to, potential allergic reactions to  
958 such medications.

959 Section 18. Subsection (5) of section 468.80, Florida  
960 Statutes, is amended to read:

961 468.80 Definitions.—As used in this part, the term:

962 (5) "Mandatory courses" means continuing education courses  
963 that the board has defined by rule and required for license  
964 issuance or renewal. Notwithstanding s. 456.013(7), the board  
965 shall require completion of a 1-hour course relating to the  
966 prevention of medical errors as a part of the licensure issuance  
967 and biennial renewal process. The 1-hour medical errors course  
968 counts toward the total number of continuing education hours  
969 required. The course must be approved by the board, be developed  
970 specifically for the field of orthotics and prosthetics, and  
971 include a study of root-cause analysis, error reduction and  
972 prevention, patient safety, and medical records.

973 Section 19. Subsections (1), (3), and (4) of section  
974 468.803, Florida Statutes, are amended, and paragraph (f) is  
975 added to subsection (5) of that section, to read:



976 468.803 License, registration, and examination  
977 requirements.—

978 (1) The department shall issue a license to practice  
979 orthotics, prosthetics, or pedorthics, or a registration for a  
980 resident to practice orthotics or prosthetics, to qualified  
981 applicants. Licenses shall be granted independently in  
982 orthotics, prosthetics, or pedorthics, but a person may be  
983 licensed in more than one such discipline, and a single  
984 prosthetist-orthotist license may be granted to persons meeting  
985 the requirements for both a prosthetist and an orthotist  
986 license. Registrations shall be granted ~~independently~~ in  
987 orthotics or prosthetics, or and a person may, if approved by  
988 the board, hold a single registration ~~be registered~~ in both  
989 fields ~~at the same time~~.

990 (3) A person seeking to attain the required orthotics or  
991 prosthetics experience in this state must be approved by the  
992 board and registered as a resident by the department. For a 12-  
993 month residency, a registration may be held in each practice  
994 field, and the board may not approve a second registration until  
995 at least one year after the issuance of the first registration.  
996 For an 18-month residency, Although a registration may be held  
997 in both practice fields concurrently, ~~the board shall not~~  
998 ~~approve a second registration until at least 1 year after the~~  
999 ~~issuance of the first registration.~~ Notwithstanding subsection  
1000 (2), an applicant who has been approved by the board and





1001 registered by the department in one practice field may apply for  
1002 registration in the second practice field without an additional  
1003 state or national criminal history check during the period in  
1004 which the first registration is valid. Each registration is  
1005 valid for 2 years from the date of issuance unless otherwise  
1006 revoked by the department upon recommendation of the board. The  
1007 board shall set a registration fee not to exceed \$500 to be paid  
1008 by the applicant. A registration may be renewed once by the  
1009 department upon recommendation of the board for a period no  
1010 longer than 1 year, as such renewal is defined by the board by  
1011 rule. The registration renewal fee shall not exceed one-half the  
1012 current registration fee. To be considered by the board for  
1013 approval of registration as a resident, the applicant must have:

1014 (a) A Bachelor of Science or higher-level postgraduate  
1015 degree in Orthotics and Prosthetics from a regionally accredited  
1016 college or university recognized by the Commission on  
1017 Accreditation of Allied Health Education Programs or, at a  
1018 minimum, a bachelor's degree from a regionally accredited  
1019 college or university and a certificate in orthotics from a  
1020 program recognized by the Commission on Accreditation of Allied  
1021 Health Education Programs, or its equivalent, as determined by  
1022 the board; or

1023 (b) A Bachelor of Science or higher-level postgraduate  
1024 degree in Orthotics and Prosthetics from a regionally accredited  
1025 college or university recognized by the Commission on



1026 Accreditation of Allied Health Education Programs or, at a  
1027 minimum, a bachelor's degree from a regionally accredited  
1028 college or university and a certificate in prosthetics from a  
1029 program recognized by the Commission on Accreditation of Allied  
1030 Health Education Programs, or its equivalent, as determined by  
1031 the board.

1032 (4) The department may develop and administer a state  
1033 examination for an orthotist license, ~~or~~ a prosthetist license,  
1034 or a prosthetist-orthotist license, or the board may approve the  
1035 existing examination of a national standards organization. The  
1036 examination must be predicated on a minimum of a baccalaureate-  
1037 level education and formalized specialized training in the  
1038 appropriate field. Each examination must demonstrate a minimum  
1039 level of competence in basic scientific knowledge, written  
1040 problem solving, and practical clinical patient management. If  
1041 developed and administered by the department, the board shall  
1042 require an examination fee not to exceed the actual cost of ~~to~~  
1043 ~~the board in~~ developing, administering, and approving the  
1044 examination, which fee must be paid by the applicant. To be  
1045 considered by the board for examination, the applicant must  
1046 have:

1047 (a) For an examination in orthotics:

1048 1. A Bachelor of Science or higher-level postgraduate  
1049 degree in Orthotics and Prosthetics from a regionally accredited  
1050 college or university recognized by the Commission on



1051 Accreditation of Allied Health Education Programs or, at a  
1052 minimum, a bachelor's degree from a regionally accredited  
1053 college or university and a certificate in orthotics from a  
1054 program recognized by the Commission on Accreditation of Allied  
1055 Health Education Programs, or its equivalent, as determined by  
1056 the board; and

1057         2. An approved orthotics internship of 1 year of qualified  
1058 experience, as determined by the board, or an orthotic residency  
1059 program recognized by the board.

1060         (b) For an examination in prosthetics:

1061             1. A Bachelor of Science or higher-level postgraduate  
1062 degree in Orthotics and Prosthetics from a regionally accredited  
1063 college or university recognized by the Commission on  
1064 Accreditation of Allied Health Education Programs or, at a  
1065 minimum, a bachelor's degree from a regionally accredited  
1066 college or university and a certificate in prosthetics from a  
1067 program recognized by the Commission on Accreditation of Allied  
1068 Health Education Programs, or its equivalent, as determined by  
1069 the board; and

1070             2. An approved prosthetics internship of 1 year of  
1071 qualified experience, as determined by the board, or a  
1072 prosthetic residency program recognized by the board.

1073         (c) For an examination in prosthetics-orthotics:

1074             1. A Bachelor of Science or higher-level postgraduate  
1075 degree in Orthotics and Prosthetics from a regionally accredited



1076 college or university recognized by the Commission on  
1077 Accreditation of Allied Health Education Programs or, at a  
1078 minimum, a bachelor's degree from a regionally accredited  
1079 college or university and a certificate in orthotics and  
1080 prosthetics from a program recognized by the Commission on  
1081 Accreditation of Allied Health Education Programs, or its  
1082 equivalent, as determined by the board; and

1083 2. An approved orthotics-prosthetics internship of at  
1084 least 1 year of qualified experience, as determined by the  
1085 board, or an orthotics-prosthetics residency program recognized  
1086 by the board.

1087 (5) In addition to the requirements in subsections  
1088 ~~subsection~~ (2) and (4), to be licensed as:

1089 (f) A prosthetist-orthotist, the applicant must pay a fee  
1090 not to exceed \$1,000 and must have:

1091 1. A Bachelor of Science or higher-level postgraduate  
1092 degree in Orthotics and Prosthetics from a regionally accredited  
1093 college or university, or a bachelor's degree with a certificate  
1094 in orthotics and prosthetics from a program recognized by the  
1095 Commission on Accreditation of Allied Health Education Programs,  
1096 or its equivalent, as determined by the board;

1097 2. An internship of at least 1 year of qualified  
1098 experience, as determined by the board, or a residency program  
1099 recognized by the board

1100 3. Completed the mandatory courses; and



1101           4. Passed the state prosthetics-orthotics examination, the  
1102 board-approved prosthetics examination and the board-approved  
1103 orthotics examination, or if available, the board-approved  
1104 prosthetics-orthotics examination.

1105           Section 20. Subsection (7) of section 480.041, Florida  
1106 Statutes, is amended to read:

1107           480.041 Massage therapists; qualifications; licensure;  
1108 endorsement.—

1109           (7) The board shall deny an application for a new license  
1110 and the department shall deny the ~~or~~ renewal of a license if an  
1111 applicant has been convicted or found guilty of, or enters a  
1112 plea of guilty or nolo contendere to, regardless of  
1113 adjudication, a violation of s. 796.07(2)(a) which is  
1114 reclassified under s. 796.07(7) or a felony offense under any of  
1115 the following provisions of state law or a similar provision in  
1116 another jurisdiction:

1117           (a) Section 787.01, relating to kidnapping.

1118           (b) Section 787.02, relating to false imprisonment.

1119           (c) Section 787.025, relating to luring or enticing a  
1120 child.

1121           (d) Section 787.06, relating to human trafficking.

1122           (e) Section 787.07, relating to human smuggling.

1123           (f) Section 794.011, relating to sexual battery.

1124           (g) Section 794.08, relating to female genital mutilation.

1125           (h) Former s. 796.03, relating to procuring a person under



1126 the age of 18 for prostitution.

1127 (i) Former s. 796.035, relating to the selling or buying  
1128 of minors into prostitution.

1129 (j) Section 796.04, relating to forcing, compelling, or  
1130 coercing another to become a prostitute.

1131 (k) Section 796.05, relating to deriving support from the  
1132 proceeds of prostitution.

1133 (l) Section 796.07(4)(a)3., relating to a felony of the  
1134 third degree for a third or subsequent violation of s. 796.07,  
1135 relating to prohibiting prostitution and related acts.

1136 (m) Section 800.04, relating to lewd or lascivious  
1137 offenses committed upon or in the presence of persons less than  
1138 16 years of age.

1139 (n) Section 825.1025(2)(b), relating to lewd or lascivious  
1140 offenses committed upon or in the presence of an elderly or  
1141 disabled person.

1142 (o) Section 827.071, relating to sexual performance by a  
1143 child.

1144 (p) Section 847.0133, relating to the protection of  
1145 minors.

1146 (q) Section 847.0135, relating to computer pornography.

1147 (r) Section 847.0138, relating to the transmission of  
1148 material harmful to minors to a minor by electronic device or  
1149 equipment.

1150 (s) Section 847.0145, relating to the selling or buying of



1151 minors.

1152 Section 21. Paragraph (b) and (c) of subsection (3) of  
1153 section 486.102, Florida Statutes, are amended, and paragraph  
1154 (d) is added to that subsection, to read:

1155 486.102 Physical therapist assistant; licensing  
1156 requirements.—To be eligible for licensing by the board as a  
1157 physical therapist assistant, an applicant must:

1158 (3)

1159 (b) Have been graduated from a school giving a course for  
1160 physical therapist assistants in a foreign country and have  
1161 educational credentials deemed equivalent to those required for  
1162 the educational preparation of physical therapist assistants in  
1163 this country, as recognized by the appropriate agency as  
1164 identified by the board, and passed to the satisfaction of the  
1165 board an examination to determine her or his fitness for  
1166 practice as a physical therapist assistant as hereinafter  
1167 provided; ~~or~~

1168 (c) Be entitled to licensure without examination as  
1169 provided in s. 486.107; or

1170 (d) Have been enrolled between July 1, 2014, and July 1,  
1171 2016, in a physical therapist assistant school in this state  
1172 which was accredited at the time of enrollment; and

1173 1. Have been graduated or is eligible to graduate from  
1174 such school no later than July 1, 2018; and

1175 2. Have passed to the satisfaction of the board an



1176 examination to determine his or her fitness for practice as a  
1177 physical therapist assistant as provided in s. 486.104.

1178 Section 22. Paragraph (c) of subsection (3) and subsection  
1179 (4) of section 491.005, Florida Statutes, are amended to read:

1180 491.005 Licensure by examination.—

1181 (3) MARRIAGE AND FAMILY THERAPY.—Upon verification of  
1182 documentation and payment of a fee not to exceed \$200, as set by  
1183 board rule, plus the actual cost to the department for the  
1184 purchase of the examination from the Association of Marital and  
1185 Family Therapy Regulatory Board, or similar national  
1186 organization, the department shall issue a license as a marriage  
1187 and family therapist to an applicant who the board certifies:

1188 (c) Has had at least 2 years of clinical experience during  
1189 which 50 percent of the applicant's clients were receiving  
1190 marriage and family therapy services, which must be at the post-  
1191 master's level under the supervision of a licensed marriage and  
1192 family therapist with at least 5 years of experience, or the  
1193 equivalent, who is a qualified supervisor as determined by the  
1194 board. An individual who intends to practice in Florida to  
1195 satisfy the clinical experience requirements must register  
1196 pursuant to s. 491.0045 before commencing practice. If a  
1197 graduate has a master's degree with a major emphasis in marriage  
1198 and family therapy or a closely related field that did not  
1199 include all the coursework required under sub-subparagraphs  
1200 (b)1.a.-c., credit for the post-master's level clinical





1201 experience shall not commence until the applicant has completed  
1202 a minimum of 10 of the courses required under sub-subparagraphs  
1203 (b)1.a.-c., as determined by the board, and at least 6 semester  
1204 hours or 9 quarter hours of the course credits must have been  
1205 completed in the area of marriage and family systems, theories,  
1206 or techniques. Within the 2 ~~3~~ years of required experience, the  
1207 applicant shall provide direct individual, group, or family  
1208 therapy and counseling, to include the following categories of  
1209 cases: unmarried dyads, married couples, separating and  
1210 divorcing couples, and family groups including children. A  
1211 doctoral internship may be applied toward the clinical  
1212 experience requirement. A licensed mental health professional  
1213 must be on the premises when clinical services are provided by a  
1214 registered intern in a private practice setting.

1215 (4) MENTAL HEALTH COUNSELING.—Upon verification of  
1216 documentation and payment of a fee not to exceed \$200, as set by  
1217 board rule, plus the actual per applicant cost to the department  
1218 for purchase of the National Clinical Mental Health Counseling  
1219 Examination, an examination administered by the National Board  
1220 for Certified Counselors or its successor ~~from the Professional~~  
1221 ~~Examination Service for the National Academy of Certified~~  
1222 ~~Clinical Mental Health Counselors or a similar national~~  
1223 ~~organization~~, the department shall issue a license as a mental  
1224 health counselor to an applicant who the board certifies:

1225 (a) Has submitted an application and paid the appropriate



1226 fee.

1227 (b)1. Has a minimum of an earned master's degree from a  
1228 mental health counseling program accredited by the Council for  
1229 the Accreditation of Counseling and Related Educational Programs  
1230 that consists of at least 60 semester hours or 80 quarter hours  
1231 of clinical and didactic instruction, including a course in  
1232 human sexuality and a course in substance abuse. If the master's  
1233 degree is earned from a program related to the practice of  
1234 mental health counseling that is not accredited by the Council  
1235 for the Accreditation of Counseling and Related Educational  
1236 Programs, then the coursework and practicum, internship, or  
1237 fieldwork must consist of at least 60 semester hours or 80  
1238 quarter hours and meet the following requirements:

1239 a. Thirty-three semester hours or 44 quarter hours of  
1240 graduate coursework, which must include a minimum of 3 semester  
1241 hours or 4 quarter hours of graduate-level coursework in each of  
1242 the following 11 content areas: counseling theories and  
1243 practice; human growth and development; diagnosis and treatment  
1244 of psychopathology; human sexuality; group theories and  
1245 practice; individual evaluation and assessment; career and  
1246 lifestyle assessment; research and program evaluation; social  
1247 and cultural foundations; counseling in community settings; and  
1248 substance abuse. Courses in research, thesis or dissertation  
1249 work, practicums, internships, or fieldwork may not be applied  
1250 toward this requirement.



1251           b. A minimum of 3 semester hours or 4 quarter hours of  
1252 graduate-level coursework in legal, ethical, and professional  
1253 standards issues in the practice of mental health counseling,  
1254 which includes goals, objectives, and practices of professional  
1255 counseling organizations, codes of ethics, legal considerations,  
1256 standards of preparation, certifications and licensing, and the  
1257 role identity and professional obligations of mental health  
1258 counselors. Courses in research, thesis or dissertation work,  
1259 practicums, internships, or fieldwork may not be applied toward  
1260 this requirement.

1261           c. The equivalent, as determined by the board, of at least  
1262 1,000 hours of university-sponsored supervised clinical  
1263 practicum, internship, or field experience as required in the  
1264 accrediting standards of the Council for Accreditation of  
1265 Counseling and Related Educational Programs for mental health  
1266 counseling programs. This experience may not be used to satisfy  
1267 the post-master's clinical experience requirement.

1268           2. If the course title which appears on the applicant's  
1269 transcript does not clearly identify the content of the  
1270 coursework, the applicant shall be required to provide  
1271 additional documentation, including, but not limited to, a  
1272 syllabus or catalog description published for the course.

1273  
1274 Education and training in mental health counseling must have  
1275 been received in an institution of higher education which at the



1276 | time the applicant graduated was: fully accredited by a regional  
1277 | accrediting body recognized by the Commission on Recognition of  
1278 | Postsecondary Accreditation; publicly recognized as a member in  
1279 | good standing with the Association of Universities and Colleges  
1280 | of Canada; or an institution of higher education located outside  
1281 | the United States and Canada, which at the time the applicant  
1282 | was enrolled and at the time the applicant graduated maintained  
1283 | a standard of training substantially equivalent to the standards  
1284 | of training of those institutions in the United States which are  
1285 | accredited by a regional accrediting body recognized by the  
1286 | Commission on Recognition of Postsecondary Accreditation. Such  
1287 | foreign education and training must have been received in an  
1288 | institution or program of higher education officially recognized  
1289 | by the government of the country in which it is located as an  
1290 | institution or program to train students to practice as mental  
1291 | health counselors. The burden of establishing that the  
1292 | requirements of this provision have been met shall be upon the  
1293 | applicant, and the board shall require documentation, such as,  
1294 | but not limited to, an evaluation by a foreign equivalency  
1295 | determination service, as evidence that the applicant's graduate  
1296 | degree program and education were equivalent to an accredited  
1297 | program in this country.

1298 |       (c) Has had at least 2 years of clinical experience in  
1299 | mental health counseling, which must be at the post-master's  
1300 | level under the supervision of a licensed mental health



1301 counselor or the equivalent who is a qualified supervisor as  
1302 determined by the board. An individual who intends to practice  
1303 in Florida to satisfy the clinical experience requirements must  
1304 register pursuant to s. 491.0045 before commencing practice. If  
1305 a graduate has a master's degree with a major related to the  
1306 practice of mental health counseling that did not include all  
1307 the coursework required under sub-subparagraphs (b)1.a.-b.,  
1308 credit for the post-master's level clinical experience shall not  
1309 commence until the applicant has completed a minimum of seven of  
1310 the courses required under sub-subparagraphs (b)1.a.-b., as  
1311 determined by the board, one of which must be a course in  
1312 psychopathology or abnormal psychology. A doctoral internship  
1313 may be applied toward the clinical experience requirement. A  
1314 licensed mental health professional must be on the premises when  
1315 clinical services are provided by a registered intern in a  
1316 private practice setting.

1317 (d) Has passed a theory and practice examination provided  
1318 by the department for this purpose.

1319 (e) Has demonstrated, in a manner designated by rule of  
1320 the board, knowledge of the laws and rules governing the  
1321 practice of clinical social work, marriage and family therapy,  
1322 and mental health counseling.

1323 Section 23. Subsection (2) of section 491.009, Florida  
1324 Statutes, is amended to read:

1325 491.009 Discipline.—



CS/CS/HB 543, Engrossed 1

2017

1326           (2) The board ~~department~~, or, in the case of certified  
1327 master social workers ~~psychologists~~, the department ~~board~~, may  
1328 enter an order denying licensure or imposing any of the  
1329 penalties in s. 456.072(2) against any applicant for licensure  
1330 or licensee who is found guilty of violating any provision of  
1331 subsection (1) of this section or who is found guilty of  
1332 violating any provision of s. 456.072(1).

1333           Section 24. Except as otherwise expressly provided in this  
1334 act, this act shall take effect July 1, 2017.